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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,701	08/11/2003	Larry B. Pearson	SBC 0123 PA	1700

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EXAMINER

RAMAKRISHNAIAH, MELUR

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2614

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/604,701	Applicant(s) PEARSON ET AL.	
	Examiner Melur Ramakrishnaiah	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 20 is/are allowed.
- 6) ☒ Claim(s) 1-14 and 16-19 is/are rejected.
- 7) ☐ Claim(s) 15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>8-11-2003/9-15-03</u> | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2, 4-5, 7-11, 16, 18, are rejected under 35 U.S.C 102(b) as being anticipated by Starr et al. (US PAT: 5,535,264, hereinafter Starr).

Regarding claim 1, Starr discloses a method for communicating information to a caller on a telephone network, the method comprising the steps of: (a) generating a signal for producing an audible dial tone, (b) transmitting the signal to the receiver of a telephone (11, fig. 1), when the caller initially takes the receiver off-hook, to thereby produce an audible dial tone (fig. 1, col. 4, lines 40-42), (c) superimposing an audible information message over the audible dial tone while the audible dial tone is produced (fig. 3, col. 5 lines 38-57).

Regarding claims 2, 4-5, 7-11, 16, 18, Starr further teaches the following: caller is a human being or a modem, signal suitable for producing an audible dial tone is an oscillating electrical signal, step (a) is accomplished with a dial tone generator comprising an oscillator circuit (this is implicit in as much as reference teaches sending a dial tone, col. 4 lines 40-42, and further Dial tone is a signal (350+440 Hz) from local telephone company that it is alive and ready to receive the number you dial: Source: Newton's Telecom Dictionary), step (b) is at least partially accomplished with at least one transmission means selected from a group consisting of a local loop (26, fig. 1), a trunk (19, fig. 1) etc (see fig. 1), (c) is at least partially accomplished

with an electronic circuit (38, figs. 1-2) having memory (not shown) storing the audible information message in a digital format, step (c) is executed and repeated periodically for the duration of step (b) (col. 5 lines 47-57), audible information message includes human-intelligible words (col. 5 lines 47-57), at least one of the steps (a) through (c) is executed at a public local exchange (see fig. 1), executing steps (a) through (c) only after the caller initially takes the receiver off-hook, and executing (a) through (c) only until the caller begins to dial a number on the telephone set (fig. 3, col. 5 lines 38-57).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3, 6, are rejected under 35 U.S.C. 103(a) as being unpatentable over Starr in view of Kung et al. (US PAT: 6,633,635, filed 12-30-1999, hereinafter Kung).

Starr differs from claims 3, 6, in that although he teaches PSTN network and analog telephone as shown in fig. 1; he does not teach the following: voice over internet protocol telephone network, an integrated services digital network compatible network, or a private telephone network, a digital telephone set, VOIP telephone set, or a proprietary telephone set.

However, Kung discloses multiple call waiting in a packetized communication system which teaches the following: voice over internet protocol telephone network, an integrated services digital network compatible network, or a private telephone network, a digital telephone set, VOIP telephone set, or a proprietary telephone set (fig. 1, col. 3 lines 43-67, col. 4 lines 1-7).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Starr's system to provide for the following: voice over internet protocol telephone network, an integrated services digital network compatible network, or a private telephone network, a digital telephone set, VOIP telephone set, or a proprietary telephone set as this arrangement would facilitate to implement service under multiple communication types as taught by Kung, thus providing versatility of the system.

5. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Starr in view of Epps (US PAT: 5,034,947).

Regarding claim 12, Starr does not teach the following: audible information message has characteristic of being whisper-like.

However, Epps discloses whisper circuit for a conference call bridge including talker nulling and method therefor which teaches the following: audible information message has characteristic of being whisper-like (col. 2 lines 3-24).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Starr's system to provide for the following: audible information message has characteristic of being whisper-like as this arrangement would provide one of the ways, among many possible ways, to exchange information as taught by Epps.

6. Claims 13-14, are rejected under 35 U.S.C. 103(a) as being unpatentable over Starr in view of Lawser et al. (US PAT: 6,157,709, hereinafter Lawser).

Regarding claims 13-14, Starr does not teach the following: audible information message is branding-type message that identifies provider of local telephone service,

audible information message includes symbolic sounds serving to identify a provider of local telephone service.

However, Lawser discloses method and apparatus for branding delivered calls which teaches the following: audible information message is branding-type message that identifies provider of local telephone service, audible information message includes symbolic sounds serving to identify a provider of local telephone service (col. 3 lines 39-51).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Starr's system to provide for the following: audible information message is branding-type message that identifies provider of local telephone service, audible information message includes symbolic sounds serving to identify a provider of local telephone service as this arrangement would facilitate providing useful information to the communication users in deregulated communication industry as taught by Lawser (col. 1 lines 24-31).

7. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Starr in view of Hanai et al. (JP406284204A, hereinafter Hanai).

Starr differs from claim 17 in that he does not teach the following: telephone set is an Integrated Service digital Network telephone set.

However, Hanai discloses Electronic exchange which teaches the following: telephone set is an Integrated Service digital Network telephone set (fig. 1, see abstract).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Starr's system to provide for the following: telephone set is an Integrated Service digital Network telephone set as this arrangement would facilitate the user to use an ISDN telephone network to obtain audio message of Starr's system.

8. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Starr in view of Epps and Lawser.

Regarding claim 19, Starr discloses a method for communicating information to a caller on a telephone network, the method comprising the steps of: (a) generating a signal for producing an audible dial tone, (b) transmitting the signal to the receiver of a telephone (11, fig. 1), when the caller initially takes the receiver off-hook, to thereby produce an audible dial tone (fig. 1, col. 4, lines 40-42), (c) superimposing an audible information message over the audible dial tone while the audible dial tone is produced (fig. 3, col. 5 lines 38-57).

Starr differs from claim 19 in that he does not teach the following: audible information message has the characteristic of being whisper like, and wherein message is a branding message-type message that identifies provider of local telephone service.

However, Epps teaches the following: audible information message has the characteristic of being whisper like (col. 2 lines 3-24); and Lawser teaches the following: message is a branding message-type message that identifies provider of local telephone service (col. 3 lines 39-51).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Starr's system to provide for the following: audible information message has the characteristic of being whisper like as this arrangement would provide one of the ways, among many possible ways, to exchange information as taught by Epps; and wherein message is a branding message-type message that identifies provider of local telephone service as this arrangement would facilitate providing useful information to the communication users in deregulated communication industry as taught by Lawser (col. 1 lines 24-31).

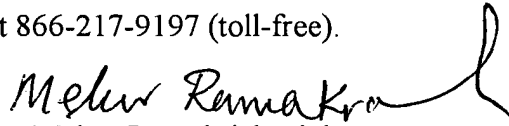
9. Claim 15 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. Claim 20 is allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melur Ramakrishnaiah whose telephone number is (703) 305-1461. The examiner can normally be reached on M-F 6:30-4:00; every other F Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (703)305-4708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Melur Ramakrishnaiah
Primary Examiner
Art Unit 2643